

Town of Richmond
Planning Board Public Meeting
December 29, 2020 7:30 PM Veterans Hall

Members Present:

Stacie Maillet (Chairman)
Lloyd Condon (Vice Chairman)
Eric Duda
Doug Bersaw (Selectman's Rep.)

Members Absent

Jason Macdonald
Butch Morin (Alt.)
Doug Smith (Secretary)
Seth Reece
Jed Butterfield (Alt.)

Meeting called to order at 7:30 PM.

1. Public:

No one from the public.

2. Minutes December 15, 2020:

It was the consensus of the board to table the minutes until the next Planning Board meeting. This meeting was arranged to discuss Zoning Ordinance changes for the March 2021 ballot.

Vice Condon arrived and was seated at 7:41 PM.

3. Proposed Zoning Ordinances Ballot 2021:

The majority of the 2021 changes proposed for the Richmond Zoning Ordinances were requested through the Selectman's office. The Selectmen wanted to present them to the Planning Board instead of petitioning the Planning Board to create more of a group effort where the Selectmen, Conservation Commission and the Planning Board all agree. The legislative body will make the final decision at the polls in March.

Vice Condon suggested that there should be no changes to any of the Zoning Ordinances. Condon saw no reason to change any of them. They were reviewed by a professional in 2013.

Duda suggested that the board get started and what passed we'd move forward for the vote.

1. Article 3 under 301 Ruins: It was suggested that the board remove the word dilapidated. It was the Selectmen's opinion that ruins as defined in Article 17 covered dilapidated and that the word could be taken in many different ways.

Vice Condon suggested leaving the word dilapidated at this time there are many buildings in town that are falling in or are in partial decay from age, weather or neglect resulting in deuteriation to the point of not being livable. The board could add a definition for dilapidated to Article 17 to cover all the bases. Discussion on the definition of Ruins 1758 and if in fact it did include the strength necessary to enforce condemning a home if needed It was a majority consensus that dilapidated was cover in the definition of ruins.

With no further discussion:

Motion made by Duda to remove the word dilapidated from Article 3 under 301. Seconded by Bersaw. All in favor. None opposed. Motion carries.

New Ordinance would read:

1758 Ruins: No owner or occupant of any land in the Town of Richmond shall permit ruined buildings, buildings damaged by fire or other catastrophe to remain or to be occupied, but must remove, repair, or replace such building, bringing it into conformity with all applicable laws within one year of the damage or the time that the ruins have come to the attention of the Selectmen.

2. Article 3 under 305 Recreational Vehicles:

The suggested change from the Selectmen is to remove "by permit of the Selectmen." At this time the Selectmen read the ordinance so that anyone parking an RV in the town on private property has to ask permission unless they are in a RV camping park.

Follow up discussion, to allow up to 2 weeks for a person to park an RV on private land for a visit or private property owned by the RV owner. Beyond the two weeks the owner of the property could notify the Selectmen that they would extend their stay for up to 3 consecutive months providing adequate provision for water and septic disposal were in place. The beginning 2 weeks would be encompassed in the first 3 month stay at that time. If the land owner requested by written application the 3-month stay could be extended for an additional consecutive 3 months. This would be in place for seasonal visitors and for a land owner to show progress to build a permanent structure on the property. This would not allow for permanent living quarters in an RV.

Motion made by Duda to add to the Ordinance: After 2 weeks an RV may be occupied after notification to the Selectmen on a temporary basis not to exceed 3 months the beginning 2 weeks would be encompassed in the first 3 month stay. Seconded by Vice Condon. All in favor. None opposed. Motion carries.

New ordinance would read:

305 Recreational Vehicles: Recreational vehicles may be **occupied on a temporary basis for up to two (2) weeks without a permit from the Selectmen. After 2 weeks a Recreational Vehicle may be occupied for up to three (3) months after notification to the Selectmen, the beginning 2 weeks would be encompassed in the first 3 month stay**, unless, it is located in a campground or recreational vehicle camping park provided there is adequate provisions for water and septic disposal. Upon written application the Selectmen may grant an extension not to exceed three (3) consecutive months.

3. Article 17, under 1767 Structure:

The intent of the Selectmen to add: "This does not include fencing, stone walls, driveways or culverts."

Discussion that items like driveways and culverts did have to go within the road setbacks and should be considers structures and they must meet the setbacks from the abutter's property line. This allowed for space between entrances.

THESE MINUTES MAY BE APPROVED AND /OR AMENDED AT THE FOLLOWING MEETING

Bersaw gave some examples from the town of Swanzey who has a list of exempt items within the setbacks. Items like flag pole, mail boxes, stone walls and many more.

Chairman Maillet suggested that stone walls would be considered a fence and could go within the abutter setback fence ordinance, Article 3 under 314.

Motion made by Duda to table Article 17 under 1767 due to further information. Seconded by Vice Condon. All in favor. None opposed. Motion carries.

4. Article 2: Establishment of Districts, under 202.1 Delineation of Districts more specifically C. Wetlands Conservation District:

If the proposed setback from 75' to 25' passes by ballot vote the setback would be changed in:

Article 6: Wetland Conservation District, under 601 General: to decrease the Wetland setback from 75' to 25'.

The intent of the Selectmen is to change the Wetland Conservation District setback from 75' to 25'.

Bersaw opened the discussion stating that the Richmond Conservation Commission were asked and they agreed. He stated that they mentioned that they would not mind having no setback which would be the same at the State of NH. Bersaw continued that Chairman Taylor (Richmond Conservation Commission) suggested a 25' setback since that is what the state requires when spraying herbicides around water.

Duda asked for the floor and did research showing that the State of NH Department of Environmental Services (DES) has many governing rules for wetlands. Duda mentioned that water is a valuable resource and if a person does pollute it would trickle down and could disturb someone else's water supply. It is pretty important to control what is around our wetlands.

Duda mentioned that the only section he could find on pesticides was 250' and the State regulates that as well due to the impact to the water supply. His research showed that the Town of Richmond can't even put sand on their own town beach without notification to the DES. Duda suggested that if the Selectmen want to reduce the setback to follow State Regulations they need an applicant to apply and receive appropriate permits when needed. What would be the follow up in the town to assure that the proper permits were in place according to DES?

Duda pointed out that now an applicant applies for a building permit and if they're within the wetland setback the applicant goes to the Zoning Board of Adjustment to receive the needed variance then back to the Selectmen for their building permit. This is removing a local layer of enforcement from our town and following the State of NH DES regulations.

Chairman Maillet added that most people want to follow the ordinances and they do what is required. If it is difficult to enforce now why would a setback change be any different?

Special Exceptions and Variances in Richmond help to educate an applicant to take proper steps to assure that wetlands are protected. The cost is minimal for the applicant to assure the protection of our water supply.

Motion made by Duda to reduce the wetland setback from 75' to 25'. Seconded by Bersaw.

Vice Condon asked for the floor and said he was against the reduction in the setback and he would like to see it stay at the original 75'. Enforcement is an issue in this town now and a reduction won't change the enforcement. The Selectmen have to enforce the Zoning Ordinances equally to all residents.

Duda move the question and vote was taken:
Three in favor. One opposed. Motion carries.

The new ordinance would read:

Article 2: Establishment of Districts, under 202.1 Delineation of Districts more specifically C. Wetlands Conservation District: All land areas within **twenty-five (25) feet**, as measured by horizontal distance, of the high water mark of any pond stream, brook, or wetland and area identified and delineated as poorly drained or very poorly drained soils by the Cheshire County Conservation Districts Soil Survey of Cheshire County, New Hampshire, completed in 1989.

This change would also be reflected in:

Article 6: Wetland Conservation District, under 601 General.

5. Article 6: Wetland Conservation District, under 601 General, second paragraph.

Selectmen requested to remove the entire second paragraph of the ordinance. It was discussed that the second paragraph listed information to help an applicant find different Wetland maps to answer questions they might have on their property.

After a brief discussion:

Motion made by Bersaw to keep the full second paragraph in under 601 General. Seconded by Duda. All in favor. None opposed. Motion carries.

6. Article 6: Wetland Conservation District under 602 Purpose, specifically 602.1: To change the word would to could.

This was a change that the Zoning Board of Adjustments asked to have put on the ballot. At present it is difficult to say what "would" contribute to pollution. To change the word from would to could would give the ZBA a little more flexibility.

Motion made by Chairman Maillet to change the word would to could under 602.1. Seconded by Duda. All in favor. None opposed. Motion carries.

New Ordinance would read:

Article 6: Wetland Conservation District under 602 Purpose, specifically 602.1: To prevent the development of structures and land uses on naturally occurring wetlands, which **could** contribute to pollution of surface and ground water by sewage or any other pollutants, or cause damage to abutter's property.

7. Article 17: Definitions, Under 1770 Wetlands: to change the definition under 1770 to the State of NH Wetland definition for conformity with the State of NH Department of Environmental Services. This was a change prompted by the Richmond Conservation Commission.

With very little discussion: Motion made by Chairman Maillet to change the definition under 1770 Wetlands to the State of New Hampshire definition. Seconded by Duda. All in favor. None opposed. Motions carries.

New Ordinance would read:

1770 Wetlands - "Wetlands" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Looking at the timeline to follow the State of New Hampshire RSA 675:3 the last date to hold the first public hearing is Monday January 11, 2021. To make this happen the posting of the hearing excluding New Year's Day would give the Planning Board just 10 days as required. This would allow a second hearing if needed by January 25, 2021 to stay within the RSA requirements.

Brief discussion to postpone the January 5, 2021 meeting to January 11, 2021 and at this time keep the regular meeting on Tuesday January 19, 2021 in case there is a need for a second Public Hearing.

Motion made by Duda to hold the first public hearing on proposed Zoning changes on Monday January 11, 2021 @ 7:00 PM located at the Richmond Veterans Hall. Seconded by Chairman Maillet. All in favor. None opposed. Motion carries.

4. Other:

With no other in front of the board. Motion made by Duda to adjourn. Seconded by Chairman Maillet. All in favor. None opposed. Motion carries.
Meeting adjourned at 9:25 PM

Respectfully Submitted.

Kandace Mattson